

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

KELLI SHOFSTALL

Plaintiff,

v.

ENCOTECH ENGINEERING  
CONSULTANTS, INC.,  
Defendant.

§

§

§

§

§

§

CIVIL ACTION NO. 1:16-CV-804-SS

**DEFENDANT'S ORIGINAL ANSWER**

COMES NOW Defendant Encotech Engineering, Inc. ("Encotech") and files this Answer to Plaintiff's Original Complaint. Encotech respectfully answers as follows:

1. Encotech denies the allegations stated and opposes the relief requested in paragraph 1.
2. Paragraph 2 is a jury demand.
3. Encotech admits the allegations in paragraph 3.
4. Encotech admits the allegations in paragraph 4.
5. Encotech denies the allegations in paragraph 5.
6. Encotech admits that this lawsuit presents a federal question but denies the remaining allegations in paragraph 6.
7. Encotech admits that venue is proper in the Western District of Texas.
8. Encotech denies the allegations in paragraph 8.
9. Encotech admits the allegations in paragraph 9.
10. Encotech denies the allegations in paragraph 10.
11. Encotech admits that it did not pay an overtime premium but denies that Plaintiff was entitled to be paid an overtime premium.
12. Encotech incorporates by reference all of the foregoing admissions and denials.

13. Encotech denies the allegations in paragraph 13.
14. Encotech incorporates by reference all of the foregoing admissions and denials.
15. Encotech denies the allegations and opposes the relief sought in paragraph 15.
16. Encotech denies the allegations and opposes the relief sought in paragraph 16.
17. Paragraph 17 is a jury demand.
18. Encotech opposes the relief sought in paragraph 18.

**SPECIFIC DEFENSES**

1. Encotech at all times acted reasonably and in good faith and therefore are not liable for liquidated damages.
2. Plaintiff was a salaried exempt employee and therefore not entitled to overtime.

WHEREFORE, PREMISES CONSIDERED, Defendant Encotech Engineering, Inc. prays that upon trial hereof, Plaintiff recover nothing and that Encotech recover costs and for such other and further relief as it may show itself justly entitled.

Respectfully submitted,

/s/ Thomas A. Nesbitt  
Thomas A. Nesbitt  
State Bar No. 24007738  
tnesbitt@dnaustin.com  
Laura J. Goodson  
State Bar No. 24045959  
lgoodson@dnaustin.com  
DeShazo & Nesbitt LLP  
809 West Avenue  
Austin, Texas 78701  
Telephone: 512 617 5560  
Facsimile: 512 617 5563  
**ATTORNEYS FOR DEFENDANT  
ENCOTECH ENGINEERING, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document was served on the following known Filing Users through the Court's NEF system, on this 8<sup>th</sup> day of July, 2016

Russell Scott Cook  
Melissa A. Jacobs  
The Cook Law Firm  
919 Congress Avenue, Suite 1145  
Austin, Texas 78701

/s/ Thomas A. Nesbitt  
Thomas A. Nesbitt